

STATE OF SOUTH CAROLINA
COUNTY OF GREENVILLE

IN THE COURT OF COMMON PLEAS

81-9911

D. J. Allen and Grace M. Allen,
Plaintiffs,

-vs-

United Machine Works, Inc.
and Rebecca Joy Griffin,
Defendants.

ORDER

This matter was commenced by the filing of a Complaint on the 10 day of December, 1981 according to which the Plaintiffs are seeking to have a conveyance of real property between the Defendants set aside and declared null and void on the grounds of mutual mistake between said Defendants. Service of the Complaint was accepted on December 10, 1981, and the Defendants thereafter submitted their Answer admitting the material allegations of the Complaint and joining in the prayer for relief on behalf of the Plaintiffs.

According to the Complaint, all of the parties are citizens and residents of the County of Greenville, State of South Carolina, and the real property which is the subject of the action is located in the County of Greenville. The Plaintiffs have alleged that they are the holders of a certain mortgage which was initially given by United Machine Works, Inc. to J. W. Clark on October 20, 1975 and recorded on November 14, 1975 in the R.M.C. Office for Greenville County in REM Book 1353 at Page 657. That mortgage was subsequently assigned to the Plaintiffs by assignment dated February 14, 1981 and recorded in the R.M.C. Office for Greenville County on June 9, 1981 in REM Book 1543 at Page 624. Further, the Plaintiffs have alleged that on or about May 29, 1981 the Defendant United Machine Works, Inc. conveyed the property which is the subject of this action to the Defendant Rebecca Joy Griffin by general warranty deed which reflected a consideration of "\$5.00 and assumption of mortgage" referring to the mortgage held by the Plaintiffs. Both of the Defendants are alleged to have known that at the time of the assignment of the mortgage as well as

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